

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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VINCENT DeMARTINO,

Plaintiff,

– against –

ORDER

04 CV 3880 (SLT)(LB)

MICHAEL ZENK, DR. BORECKY,
DR. FRANCIS, DR. BEAUDIN,
MR. SCHIAVONE, MS. MIDDLETON,
MS. SULLIVAN, P.A. ERZOUKI,
P.A. CELESTIN, P.A. HUNT, and
M.D.C. MEDICAL DEPARTMENT,

Defendants.

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TOWNES, United States District Judge:

Plaintiff *pro se*, Vincent DeMartino, has moved to stay all proceedings in this Court while he appeals this Court's affirmance, by an Order dated March 4, 2008, of Magistrate Judge Bloom's Order, dated February 1, 2008 (the "February 1 Order").¹ To grant plaintiff's motion, he must establish that (1) he will be irreparably injured absent a stay; (2) issuance of the stay will substantially injure the other parties interested in the proceeding; (3) he has made a strong showing that he is likely to succeed on the merits; and (4) the stay is in the public interest. *In re World Trade Center Disaster Site Litig.*, 503 F.3d 167, 170 (2d Cir. 2007). Plaintiff's two-page submission fails to demonstrate that any of these factors favor the granting of a stay, and given that the Court has already affirmed the February 1 Order and is unconvinced that any other factor

¹ The February 1 Order denied "plaintiff's requests to (1) strike all depositions conducted by defendants' counsel; (2) impose sanctions on defendants' counsel for actions which frustrated or impeded the fair examination of plaintiff; and (3) impose sanction of preclusion of evidence for the alleged failure of defendants' counsel to obey Court orders on discovery." Order dated March 4, 2008, at 1.

could sufficiently be proven by plaintiff, there is no basis for granting plaintiff's motion for a stay. Accordingly, plaintiff's motion for a stay is DENIED.

SO ORDERED.

Dated: Brooklyn, New York
March 20, 2008

Sandra L. Townes

SANDRA L. TOWNES
United States District Judge